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### **REMARKS**

This is in response to the recent Office Action. Enclosed herewith is a petition and fee for a two-month extension of time in order to extend the response due date to November 21, 2005. The amendments and remarks presented herein are believed to be fully responsive to the Office Action. Accordingly, reconsideration is requested.

#### **Election/Restriction.**

The Office Action stated that claims 28-39 are withdrawn from further consideration. However, it is pointed out that claim 28 was amended to be dependent upon claim 40 which is one of the claims from the elected Group II. Accordingly, it is submitted that claims 28-39 are entitled to be considered along with the remaining elected group.

#### **Claim Rejection – 35 U.S.C. § 112.**

Claims 1, 3-8, 10, 12-17, 22-27, 40, 42, 43 and 46-59 were rejected under 35 U.S.C. § 112, second paragraph, because of alleged informalities in claims 40 and 51. In particular, the Office Action considered it unclear whether the claim requires that the unitary sheet of metal substantially forms both the horizontal belt supporting surface and the support sides or if this language only requires that the unitary sheet of metal forms the horizontal supporting surface. Claims 40 and 52 are amended to clarify that the unitary sheet of metal forms a combination of a horizontal belt supporting surface and support sides extending from the belt supporting surface.

Claims 49 and 58 were deemed indefinite because the terms “upstream” and “downstream” have no meaning in the absence of a direction of conveyor operation. Claims 49 and 58 are amended to clarify the direction of conveyor operation. Accordingly, it is submitted that the basis for the rejection under 35 U.S.C. § 112, second paragraph, has been overcome. Withdrawal is requested.

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**Claim Rejection – 35 U.S.C. § 102 and § 103.**

Claims 10, 40, 42, 43 and 46-59 were rejected under 35 U.S.C. § 102(b) or, in the alternative, under 35 U.S.C. § 103(a) as being anticipated by or unpatentable over United States Patent No. 6,006,893 (Gilmore et al. '893). The rejection is hereby traverse. However, in order to expedite prosecution, claims 40 and 51 are amended to more clearly define the invention.

The undersigned wishes to express his gratitude to Examiner Deuble for the helpful and courteous interview that was conducted with the undersigned on August 23, 2005. At the interview, proposed claim amendments were discussed and the undersigned was provided the opportunity to present reasons why the claimed invention defined over the prior art.

Amended claim 40 is as follows:

40. An extendable conveyor, comprising:  
a support structure;  
an extendable section made up of a plurality of booms,  
said booms being extendable between a fully retracted position  
and a fully extended position, said extendable section supported  
in a cantilever fashion by said support structure;  
a conveyor belt reeved among said booms thereby  
defining a conveying surface;  
a drive operable to drive said conveyor belt in at least  
one direction; and  
wherein at least one of said booms is made substantially  
from a unitary sheet of metal ~~substantially~~, said unitary sheet of  
metal forming a three-dimensional shape forming, said three-  
dimensional shape defining a combination of a horizontal belt  
supporting surface and support sides extending from said belt  
supporting surface, said three-dimensional shape further  
defining a pair of horizontal flanges extending inwardly from

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said support sides and an opening between said flanges, said  
belt supporting surface supporting a portion of said conveyor  
belt at said conveying surface.

Claim 40 thereby positively recites the structural feature of a unitary sheet of metal forming a three-dimensional shape, the three-dimensional shape defining a combination of a horizontal belt supporting surface and support sides extending from the belt supporting surface. The claim further recites that the three-dimensional shape further defines a pair of horizontal flanges extended inwardly from the support sides and an opening between the flanges. It is submitted that Gilmore et al. '893 does not disclose, teach or suggest any boom made from a unitary sheet metal piece. Item 30 is a carriage assembly, not a boom. In prior art, the cantilever supported extendable conveyors of which Gilmore et al. '893 is representative, it is known to form the boom from a series of metal plates that are welded together and reinforced. The reason is that the forces placed on the booms can be extensive, such as an operator person standing on the end of an extended boom, and the stress placed upon the individual sections can be enormous. Therefore, it is submitted that the skilled artisan would not be motivated by Gilmore et al. '893 to provide a unitary sheet of metal forming a three-dimensional shape. Moreover, claim 40 is further amended to specify a pair of horizontal flanges extended inwardly from the support sides and an opening between the flanges. It is submitted that, even if the Examiner's position with respect to carriage 30 were to be accepted, there are further distinctions that are clearly not disclosed, taught or suggested in Gilmore et al. '893. For this reason, it is submitted that claim 40 is patentably distinguishable over the prior art including Gilmore et al. '893.

Amended claim 51 is as follows:

51. An extendable conveyor, comprising:  
a support structure;  
an extendable section made up of a plurality of booms,  
said booms being extendable between a fully retracted position

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and a fully extended position, said extendable section supported in a cantilever fashion by said support structure;

a conveyor belt reeved among said booms thereby defining a conveying surface;

a drive operable to drive said conveyor belt in at least one direction; and

wherein at least one of said booms is made substantially from a unitary sheet of metal ~~substantially, said unitary sheet of metal forming a three-dimensional shape-forming, said three-dimensional shape defining a combination of a horizontal belt supporting surface and support sides extending from said belt supporting surface, said belt supporting surface supporting a portion of said conveyor belt at said conveying surface; and~~

wherein said support sides are formed with horizontally offset portions to define generally horizontal track surfaces for supporting another one of said booms.

Claim 51 specifies a unitary sheet of metal forming a three-dimensional shape, the three-dimensional shape defining a combination of a horizontal belt supporting surface and support sides extending from the belt supporting surface. Claim 51 further specifies that the support sides are formed with horizontally offset portions to define generally horizontal track surfaces for supporting another one of the booms. It is submitted that the subject matter of claim 51 is not disclosed, taught or suggested by Gilmore et al. '893. As previously set forth, item 30 is a carriage, not a boom. Moreover, there is nothing in Gilmore et al. '893 to disclose, teach or suggest a unitary sheet of metal forming a three-dimensional shape defining a combination of a horizontal belt supporting surface and support sides. Moreover, there is nothing in Gilmore et al. '893 to specify that the support sides are formed with horizontal offset portions to define generally horizontal track surfaces for supporting another one of the

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booms. Accordingly, it is submitted that claim 51 is patentably distinguishable over the prior art, including Gilmore et al. '893.

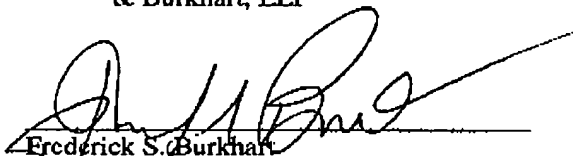
The remaining claims in the application are dependent upon claims 40 or 51 as a base claim. Accordingly, it is submitted that all of the claims in the application are patentably distinguishable over the prior art, including Gilmore et al. '893. Accordingly, withdrawal of the rejection and issuance of a Notice of Allowance are earnestly solicited.

Respectfully submitted,

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